

December 17, 2002

Arthur J. Rocque, Jr., Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106

Re: Surface Water Quality Standards revisions

Dear Commissioner Rocque:

EPA Region 1 New England has completed its review of the Department of Environmental Protection's (DEP) revisions to its surface water quality standards. The revisions were originally adopted November 7, 2001 and submitted to EPA by letter of November 14, 2001. After some clarifications were included to address EPA comments, the revisions were re-submitted to EPA by letter of October 18, 2002. The submittal included an updated "Statement of Reasons" document dated October 9, 2002, and an updated certification by Connecticut's Assistant Attorney General on October 17, 2002 that the revisions were legally adopted pursuant to state law. The revisions are as outlined in the "Statement of Reasons" and the redline/strikeout copy of the water quality standards that was provided by DEP with the November 14, 2001 letter.

I hereby approve the new and revised standards. This approval is made pursuant to Section 303(c) of the Clean Water Act and 40 CFR Part 131, and is based on my determination that the approved revisions are consistent with the requirements of Section 303 of the Act. Some of the more significant revisions are noted below. Many of the additional revisions, while important, are more "house keeping" in nature.

- o Adoption of a list of conditions for in-zone aesthetics, consistent with EPA's guidance, to be considered when establishing "zones of influence" (Standard 10(D)).
- o Revision of the definition of Point Source consistent with EPA's definition at 40 CFR 122.2 (Appendix A).
- o Adoption of a definition of Biological Integrity consistent with EPA's recommended definition by Karr and Dudley, 1981 (Appendix A).
- o Clarification of the applicability of the surface water quality standards through a new definition of Surface Water (Appendix A).
- o Extension of the applicability of bacteria indicator criteria consistent with EPA's 1986 recommendations for the protection of primary contact recreation to all surface waters of Connecticut (EPA440/5-84-002). Previously the "1986 indicators" were only applicable to beach

areas recognized by the State (Appendix B).

- o Revision of certain ambient water quality criteria for toxic chemicals consistent with EPA guidance, including revised criteria for mercury, certain PAH's, and EPA's 1999 Update of Ambient Water Quality Criteria for Ammonia in freshwater at EPA-822-R-99-014 (Appendix D).

- o Revision of the saltwater ammonia criteria to allow application dependent on temperature, pH, and salinity consistent with EPA guidance at EPA 440/5-88-004 (Appendix D).

Further explanation of our basis for approval of revisions to the mercury criteria, polycyclic aromatic hydrocarbons criteria, Class SB shellfishing use, and the surface waters definition is contained in Attachment A. A revision that EPA is not taking action on at this time is also discussed in Attachment A.

EPA's approval of Connecticut's surface water standards revisions does not extend to waters that are within Indian Country, as defined in 18 U.S.C. Section 1151. EPA is taking no action to approve or disapprove the State's standards revisions with respect to those waters at this time. EPA, or eligible Indian Tribes, as appropriate, will retain responsibility under Section 303(d) for those waters.

EPA appreciates DEP's commitment to complete the revisions that are being approved today. My staff and I look forward to continued cooperation with the DEP in developing water quality standards as a part of our responsibilities under the Clean Water Act, including future revisions to address remaining issues from EPA's letter of June 16, 2000. Please contact me or either Lynne Hamjian (617-918-1601) or Bill Beckwith (617-918-1544) of my staff if you have any questions.

Sincerely,

Linda M. Murphy, Director
Office of Ecosystem Protection

cc: Robert Smith, CT DEP
Fred Banach, CT DEP
Vernon Lang, USF&WS
Mary Colligan, NMFS
Peter Colossi, NMFS
Tom Gardner, EPA HQ